

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION**  
Civil Action No. 09-CV-646

HOWARD L. KASTEL, trustee of the  
HOWARD L. KASTEL TRUST DATED  
NOVEMBER 13, 1985 and JOAN H. KASTEL,

Plaintiffs,

v.

NUVEEN INVESTMENTS, INC., et al.

Defendant.

**MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED  
COMPLAINT BY DEFENDANT CITIGROUP GLOBAL MARKETS, INC.**

Defendant Citigroup Global Markets, Inc. ("Defendant") respectfully moves this Court, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and Rules 7.1 and 7.2 of the Local Rules of this Court for an order dismissing Plaintiffs' First Amended Complaint against it for failure to state a claim upon which relief can be granted. Defendant relies on its supporting brief filed contemporaneously herewith and the pleadings filed in this action to support this motion.

**WHEREFORE,** Defendant respectfully requests that the Court enter an order

dismissing Plaintiffs' First Amended Complaint with prejudice.

Dated: June 18, 2010

Respectfully submitted,

By: /s/ Dana C. Lumsden  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on this 18<sup>th</sup> day of June, 2010, I caused a true and correct copy of this **MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT BY DEFENDANT CITIGROUP GLOBAL MARKETS, INC.** to be electronically filed with the clerk of the court for the United States District Court for the Middle District of North Carolina and served on the following counsel for the parties to this lawsuit using the CM/ECF System:

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/s/ Dana C. Lumsden.  
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